

July 7, 1999

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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Seattle, Washington 98164  
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**REPORT AND DECISION**

**SUBJECT:** Department of Development and Environmental Services File No. **L98P0010**

**PINEVIEW**  
Preliminary Plat Application

Location: West of Issaquah-Pine Lake Road, generally between 232<sup>nd</sup> Avenue  
Southeast and 236<sup>th</sup> Avenue Southeast and between Southeast 53<sup>rd</sup> Street  
and Southeast 48<sup>th</sup> Street

Applicant: JMR Pacific, *represented by* **Brent Carson**, Attorney at Law  
1011 Western Avenue #902  
Seattle, WA 98104

Appellant: **James Stanton**, 22533 SE 47<sup>th</sup> Place, Issaquah, WA 98029

Department: DDES/Land Use Services Division, *represented by*  
**Kim Claussen** and **Pete Dye**  
900 Oakesdale Ave SW 900 Oakesdale Ave SW  
Renton, WA 98055 Renton, WA 98055  
Telephone: (206) 296-7167 Telephone: (206) 296-7185  
Facsimile: (206) 296-7051 Facsimile: (206) 296-7051

Department: King County Department of Transportation, *represented by*  
**Dick Etherington**, 821 Second Avenue, Seattle, WA 98104  
Telephone: (206) 689-4709 Facsimile: (206) 689-4750

**SUMMARY OF DECISION:**

Department's Preliminary: Approve, subject to conditions  
Department's Final: Approve, subject to conditions  
Examiner: Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted: February 23, 1998  
Complete application: July 28, 1999 (revised)

**EXAMINER PROCEEDINGS:**

Hearing Opened: June 16, 1999

Hearing Closed: June 16, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUES/TOPICS ADDRESSED:**

- Preliminary plat approval
- Jurisdiction

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****1. General Information.**

Developer:	JMR Pacific, LLC 600 – 108 <sup>th</sup> Avenue Northeast #343 Bellevue, WA 98004 (425) 646-7796
Engineer:	Baima & Holmberg 100 Front Street South Issaquah, WA 98027 (425) 392-0250
STR:	22-24-06
Location:	Located west of Issaquah-Pine Lake Road, generally between 232 <sup>nd</sup> Avenue SE and 236 <sup>th</sup> Avenue SE, on the south side of SE 48 <sup>th</sup> Street
Zoning:	R-6 P
Acreage:	6.44 acres
Number of Lots	25 lots
Density:	4 dwelling units per acre
Lot Size:	Ranges from approximately 5,700 to 7,200 square feet
Proposed Use:	Single family detached dwellings
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District
Fire District:	Fire District #10
School District	Issaquah School District
Complete Application Date:	July 22, 1998 (revised)

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 16, 1999 public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends approval of the application, subject to conditions.
3. JMR Pacific LLC has filed an application to subdivide 6.44 acres located on the Sammamish Plateau, southwest of the intersection of Issaquah-Pine Lake Road Southeast and Southeast 48<sup>th</sup> Street, into 25 lots for detached single family development. Pineview lies north of and adjacent to the larger plat of Aspen Meadows with which it shares a proposed new access route along 236<sup>th</sup> Avenue Southeast. A joint hearing on the two plat applications was held on June 16, 1999. A SEPA threshold determination appeal filed by area resident James Stanton has been withdrawn.
4. Because the traffic volumes from Pineview fall below the threshold requiring review under the County's Intersection Standards, the discussion of traffic issues affecting these two plats will be undertaken within the Aspen Meadows Report. Pineview will be required under SEPA authority to contribute to the construction of new turning lanes at the Southeast 48<sup>th</sup> Street/Issaquah-Pine Lake Road Southeast intersection as safety mitigations. The Applicant has also requested that staff-proposed Condition No. 8.b be modified to allow Pineview to initiate a required engineering plan for jointly funded facilities on 236<sup>th</sup> Avenue Southeast and Southeast 48<sup>th</sup> Street.
5. Questions have been raised by prior owners of the Pineview property concerning a potential default on financial obligations. Such questions are not to be within the purview of this preliminary plat proceeding.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

#### DECISION:

The preliminary plat of Pineview as revised and received on July 22, 1998 is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
  - d. The applicant has received approval for the requested diversion of surface water within the project (see Variance File L98V0084). The conditions for variance approval shall be satisfied during design and review of the project engineering plans. As stated in the variance approval, the KCRTS Level 3 methodology shall be used for design of storm water detention facilities. A flow splitter is also required at the drainage outlet along SE 48<sup>th</sup> Street to redirect flows to the natural outlets.

- e. Runoff control facilities shall be located in a separate tract and dedicated to King County. Tract E shall be dedicated to King County if proposed as an area for water quality facilities. An easement to lot 4 for driveway access and utilities may be provided through Tract E. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and water quality facilities.
- f. If determined necessary by DDES during final engineering review, a drainage easement shall be provided in the area between lots 20 and 25 to provide off-site drainage flow to the wetland within Tract B.
- g. The project drainage plans shall be designed to comply with the water quality provisions outlined in Ordinance 12992 and Special Requirement No. 15-1 in the drainage manual. The following requirements summarize the design standards:

Run-off from impervious surfaces in the Lake Sammamish drainage basin must be treated to remove 50 percent of the total phosphorus concentration before discharge into tributaries, either natural or engineered, of Lake Sammamish. At a minimum, this goal may be met by treating the water quality flow (defined below) using any of the three on-site treatment options below, or another option approved by DDES and demonstrated to provide an equivalent level of pollutant removal on an annual average basis. Designs for the facilities shall be consistent with the standards in the proposed February 1996 update to the King County Surface Water Design Manual.

#### Option 1

A large wetpond having a dead storage volume equal to or greater than 4.5 times the run-off from the mean annual storm.

#### Option 2

A large sand filter treating 95% of the annual average run-off volume in the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond or vault must precede the sand filter, with the presettling pond sized to hold a volume of 0.75 times the run-off from the mean annual storm.

#### Option 3

A two-facility treatment train, with the first facility sized to treat the water quality flow defined below, and the second facility a sand filter sized to treat the flow from the first facility.

The water quality design flow can be found using one of the following:

- Flow generated by 64% of the 2-year, 24-hour precipitation (SBUH model), or
- Flow generated by 60% of the developed 2-year peak flow rate (KCRTS modeled with 15-minute timesteps), or for ponds,
- 95 percent of the annual average runoff volume in the KCRTS time series.

- h. The proposed plat shall comply with requirements in the East Lake Sammamish Basin Plan. Figure 5c in the basin plan indicates that the site must comply with storm water detention standard (BW2) which limits drainage runoff up through the 100-year storm.

Compliance with the KCRTS detention standard as specified in the approved drainage variance for this project will satisfy the basin plan design requirements.

- i. Several wetlands and streams are located on the property; therefore, a floodplain analysis shall be performed in accordance with Special Requirement No. 9 in the drainage manual. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat. The design engineer shall evaluate the need for a drainage overflow facility at the northerly outlet from Tract B.

- 8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. Southeast 48<sup>th</sup> Street is currently a dead end street with limited traffic circulation; however, the plats of Cambria and Highland Creek Estates have been granted preliminary approval with a condition to construct a secondary access road. To comply with KCRS 2.20 which limits the number of lots to 100 on a dead end street, the Pine View subdivision shall not be recorded until the secondary access route through Cambria and Highland Creek Estates is constructed.
- b. With respect to the engineering plans for road improvements, the Applicant shall comply with either Option 1 or Option 2, below:

#### Option 1

Road improvements on 236<sup>th</sup> Avenue SE and SE 48<sup>th</sup> Street are required to provide adequate access to the Pineview subdivision; however, the engineering plans for these road improvements are required as conditions of approval for the Aspen Meadows project. The Pineview applicant has agreed that the proposed subdivision will develop concurrently or subsequent to the Aspen Meadows plat to assure that the roadway improvements are completed.

The site development plans for Pineview shall not be approved prior to approval of development plans for Aspen Meadows. During final review, DDES shall determine the need for bonding or other procedural requirements to allow final recording of the plat.

#### Option 2

Two-hundred-thirty-sixth (236<sup>th</sup>) Avenue SE is proposed as an off site access road extending into the site from SE 48<sup>th</sup> Street. The roadway shall be improved as a full width urban subcollector street. Off site public road right-of-way shall be acquired and dedicated prior to or concurrent with plat recording.

The existing roadway on SE 48<sup>th</sup> Street provides limited pedestrian facilities and also limits the available sight distance at the proposed intersection with 236<sup>th</sup> Avenue SE. To provide adequate roadway facilities, the following improvements shall be made to neighborhood collector standards unless otherwise approved by DDES:

- (1) The existing vertical curve on SE 48<sup>th</sup> Street, located west of 236<sup>th</sup> Street SE, shall be reconstructed to comply with County standards for stopping sight distance and provide entering sight distance for the proposed intersection at 236<sup>th</sup> Street.
  - (2) All reconstructed portions of SE 48<sup>th</sup> Street may be improved to meet rural standards except that an urban design with sidewalk shall be provided on the south side of the roadway extending easterly from 236<sup>th</sup> Street to the Issaquah-Pine Lake Road.
  - (3) Northbound and southbound turn lanes shall be provided at the intersection with the Pine Lake Road as determined by the King County Roads Division.
  - (4) A geotechnical report shall be submitted with the road design plans to evaluate the requirements for construction of a retaining wall located along the steep bank on the south edge of SE 48<sup>th</sup>.
- c. The on-site cul-de-sac road shall be improved to urban subaccess standards.
  - d. Tracts F and G shall be improved as private joint use driveways, which serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
  - e. Lot 15 shall be revised to provide a minimum entry width of 20 feet along the frontage of the right-of-way.
  - f. A driveway easement for ingress, egress, and utilities shall be provided across Tract E for access to lot 4.
  - g. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
  - h. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. The boundaries of Tract D and lots 4-5 shall be revised to exclude the existing driveway and easement along the west property line. The driveway and easement shall be located within a separate tract owned by the homeowners association or other suitable organization as determined by DDES. As an alternative, the applicant may pursue an agreement with the affected easement holder to vacate the easement and relocate the driveway or transfer ownership of the land area within the easement.

10. Development of the site shall comply with the erosion hazard standards specified in KCC 21A.24.220. The applicants final erosion control plans shall provide the design requirements and notes to indicate the applicable standards for clearing and grading.
11. King County Code 16.82.150D requires seasonal limitations for construction. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
14. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
15. There shall be no direct vehicular access to or from SE 48<sup>th</sup> Avenue or 236<sup>th</sup> Avenue SE from those lots which abut it, with the exception of lot 25 (236<sup>th</sup> Avenue SE). A note to this effect shall appear on the engineering plans and final plat.
16. Off-site access to the subdivision shall be over a full width, dedicated, and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
17. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
18. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.



19. Preliminary review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.
- a. The Class 3 wetlands (Tract B) and their respective buffers shall be placed in a Sensitive Area Tract (SAT)
  - b. Off-site, a Class 3 wetland adjoins the site (SE 48<sup>th</sup> Street/236<sup>th</sup> Avenue SE). A 25-foot buffer shall be provided from this wetland, to the extent such buffer falls within the subject property. The on-site buffer shall be placed within a Sensitive Area Tract.
  - c. A minimum building setback line of 15 feet shall be required from the edge of the SAT.
  - d. A final enhancement/mitigation plan for the road construction (SE 48<sup>th</sup> Street and 236<sup>th</sup> Avenue SE) must be submitted for review and approval by DDES along with the engineering plans for this proposal. The plan must include proposed final grades, hydrology, construction and monitoring notes and a detailed planting plan, showing species, size and location. In addition, an easement from tax lot 25 shall also be provided, as the majority of the enhancement is off-site.
  - e. Mitigation required pursuant to this project must be completed prior to final approval. If this is not possible, due to seasonal requirements or other circumstances beyond the applicant's control, the applicant may post a performance bond that guarantees that all required mitigation measures will be completed within one-year of construction.
  - f. Once the mitigation work is completed to DDES' satisfaction, the performance bond may be replaced by a maintenance bond in a form and amount sufficient to guarantee satisfactory workmanship, materials, and performance of the approved plan for five years.
  - g. Upon satisfactory completion of the final monitoring inspection, DDES staff shall release the maintenance bond. If the project has not met the established performance standards at the end of the monitoring period, the applicant shall be responsible for the preparation and implementation of a contingency plan to remedy the situation.
  - h. The wetland and sensitive area tracts shall be delineated and signed in accordance with KCC 21A.24.160. The sign details shall be shown on the engineering plans.
20. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

21. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. Note: Equipment shall be placed in the western portion of the recreation tract (Tract C). In addition, a combination of split-rail fencing and landscaping shall be provided where the recreation tract abuts the internal road and 236<sup>th</sup> Avenue SE, unless otherwise relocated and approved by DDES.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
22. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and sensitive area tract(s).
23. Street trees shall be provided as follows:

- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 48<sup>th</sup> Street. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if SE 48<sup>th</sup> Street is on a bus route. If SE 48<sup>th</sup> Street is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 24. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval.

To mitigate safety impacts to Issaquah-Pine Lake/SE 48<sup>th</sup> Street intersection:

- a. The applicant shall individually or proportionally share with the plats of Highland Creek Division III, Cambria II, Uplands Division II and Aspen

- b. Meadows, the construction of a northbound left turn lane and northbound merge/refuge lane on Issaquah Pine Lake Road at SE 48<sup>th</sup> Street. The engineering plans for the above turn lane improvement shall be reviewed and approved by King County Traffic and DDES prior to final plat recording. **OR**
- b. Await final plat approval until King County CIP Project No. 200291 to widen Issaquah-Pine Lake Road from Issaquah-Fall City Road to 238<sup>th</sup> Way SE is within 12 months of construction.

The applicant is required to pay into the King County MPS program, which includes CIP Project No. 200291. The applicant may be eligible to receive an MPS credit if constructing or contributing to the recommended turn lane.

- 25. Tract H shall be combined with lot 25.
- 26. The property limit for the new City of Sammamish extends along SE 48<sup>th</sup> Street; therefore, the required road improvements may require a City permit. During final engineering review, the Applicant shall coordinate with King County and the City of Sammamish to determine the required procedures for allowing construction.

ORDERED this 7<sup>th</sup> day of July, 1999.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 7<sup>th</sup> day of July, 1999, to the parties and interested persons shown on the attached list.

#### **NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before July 21, 1999***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before July 28, 1999***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 16, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES FILE NO. L98P0010 – PINEVIEW:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Kim Claussen, Pete Dye and Aileen McManus. Participating in the hearing and representing the Applicant were Shupe Holmberg and Mark Wilson. Other participants in this hearing were James Stanton, Robert Johns, Joanne Pullen, Gary Young, Hal Grubb and Barbara Hawley.

The following exhibits were offered and entered into the record:

- |                |  |
|----------------|--|
| Exhibit No. 1  | Department of Development and Environmental Services File No. L98P0010   |
| Exhibit No. 2  | Department of Development and Environmental Services Preliminary Report, dated June 16, 1999.  |
| Exhibit No. 3  | Application dated February 23, 1998  |
| Exhibit No. 4  | Environmental Checklist dated February 23, 1998.   |
| Exhibit No. 5  | Mitigated Declaration of Non-Significance dated April 7, 1999.   |
| Exhibit No. 6  | Affidavit of Posting indicating May 28, 1999 as date of posting and June 2, 1999 as the date the affidavit was received by the Department of Development and Environmental Services. (revised hearing date). |
| Exhibit No. 7  | Plat Map dated July 22, 1998.  |
| Exhibit No. 8  | Land Use Map 556E; 559E; 578W; 579W.   |
| Exhibit No. 9  | Assessors Maps SE & SW 15-24-6; NW & NE 22-24-6.   |
| Exhibit No. 10 | Wetland Report by Adolfson Associates, Inc. (revised January 1998).  |
| Exhibit No. 11 | Buffer enhancement plan by Habitat Technologies (dated July 6, 1998)   |
| Exhibit No. 12 | SWM Variance decision—L98V0084   |
| Exhibit No. 13 | Pullen letter, dated May 18, 1999.   |
| Exhibit No. 14 | Stanton letter, dated June 15, 1999.   |